

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSHUA FORDYCE, aka BRITTANY
FORDYCE,

Plaintiff,

v.

HEATHER SHIRLEY, *et al.*,

Defendants.

Case No. 1:25-cv-00106 JLT GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE

(Doc. 24)

Plaintiff is a state prisoner and seeks to hold the defendants liable for violations of her civil rights while in custody at Wasco State Prison. (*See generally* Doc. 1.) The magistrate judge screened Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A(a). (Doc. 10.) The magistrate judge found Plaintiff failed to state a cognizable claim and granted leave to cure the deficiencies identified by the Court. (*Id.* at 3-6.)

After Plaintiff failed to file an amended complaint, the magistrate judge found Plaintiff failed to comply with the Court's order and failed to prosecute the action. (Doc. 24 at 2-3.) The magistrate judge considered the factors identified by the Ninth Circuit in *Malone v. United States Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987), and found terminating sanctions are appropriate for Plaintiff's inaction. (*Id.* at 3-4.) Therefore, the magistrate judge recommended the Court dismiss the action "without prejudice for failure to prosecute and for failure to obey a court order." (*Id.* at 5.)

1 The Court served the Findings and Recommendations on Plaintiff and notified her that
2 any objections were due within 14 days. (Doc. 24 at 5.) The Court advised Plaintiff that the
3 “failure to file objections within the specified time may result in the waiver of certain rights on
4 appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did
5 not file objections, and the time to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
8 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations issued on April 29, 2025 (Doc. 24) are
10 **ADOPTED** in full.
- 11 2. This action is **DISMISSED** without prejudice for Plaintiff’s failure to obey a court
12 order and failure to prosecute.
- 13 3. The Clerk of Court is directed to close this case.

14
15 IT IS SO ORDERED.

16 Dated: May 28, 2025


UNITED STATES DISTRICT JUDGE